UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

AMERICAN GIRL, INC., and)		
AMERICAN GIRL, LLC,)		
Plaintiffs,)		
v.) No.:	3:04-CV-392	
MICHAEL HAMMER, a/k/a/ GLENN THOMAS HAMMER, d/b/a) NO	NOTICE OF ENTRY REQUESTED	
AMERICAN GIRL DOLL CLOTHES, and d/b/a DOLL CLOTHES FOR AMERICAN GIRLS,))		
Defendants.)		

ORDER

This cause came to be heard on April 8, 2009, upon Plaintiffs' Motion for an Order of Contempt and an Order for Judgment [Doc. 11). No response was filed by the Defendant, and no appearance was made on behalf of the Defendant at the hearing. Upon consideration of the motion and the evidence submitted therewith, argument of counsel, and applicable law, the Court finds that the Motion for an Order for Judgment is well taken and should be granted. The Motion for an Order of Contempt is denied without prejudice to the Plaintiffs to renew said motion. The Court finds that the Plaintiffs may have made a sufficient showing with respect to the Motion for an Order of Contempt. The Court further finds that the Defendant was properly served with the motion and with notice of the hearing. However, out of an abundance of caution, in light of the Defendant's status as a *pro se* litigant, the

Court finds it appropriate to deny the Motion for an Order of Contempt pending response,

if any, of the Defendant to this Order and without prejudice to the Plaintiffs to renew the

motion at a later date.

It is, therefore, **ORDERED**, **ADJUDGED**, **AND DECREED**, that Plaintiffs' Motion

for Order of Judgment against the Defendant is **GRANTED** and judgment is entered in favor

of the Plaintiffs and against the Defendant in the amount of \$55,500.00, which amount

represents liquidated damages pursuant to the parties' Settlement Agreement and \$5,500.00

in damages agreed to by the parties in the Settlement Agreement for which the Defendant is

in arrears. The Motion for Order of Contempt is **DENIED** without prejudice to the Plaintiffs

to renew the motion.

The Court Clerk is **DIRECTED** to send a copy of this Order by both regular, first-

class mail, and certified mail, to the Defendant's mailing address of 206 N. Main Street,

Hendersonville, North Carolina 28792. The attorney for the Plaintiffs shall send a copy of

this Order to the Defendant at 206 N. Main Street, Hendersonville, North Carolina 28792 and

2530 Parkway, No. 19, Pigeon Forge, Tennessee 37863, by both regular, first-class mail, and

certified mail.

ENTER:

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE

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APPROVED FOR ENTRY:

s/ Kristi M. Davis

Kristi M. Davis (#019487)

Dalton L. Townsend (#000855)

Attorney for Defendants, American Girl, Inc.

and American Girl, L.L.C.

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